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10/070,106	02/27/2002	Tomihisa Kamada	Y-201 5217AC-PCT/US	9582
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/070,106

Applicant(s)

KAMADA, TOMIHISA

Examiner

HEMANT PATEL

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8, 9, 14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8, 9, 14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to Applicant's submission filed on January 11, 2010 has been entered. Claims 1-4, 8-9, 14-15 are pending in this application.
2. This application is transferred to new examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8-9, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zilliacus (US Patent No. 6,832,230 B1), and further in view of O'Brien (US Patent No. 6,985,927 B2).

Regarding claim 1, Zilliacus teaches a method for providing a storage area in a storage server (i.e. PC) for a portable data terminal (Fig. 1 item 110, Fig. 2 item 210 i.e. a mobile terminal) connected over a network (Figs. 1, 2, col. 5 ll. 38-40, col. 6 ll. 1-17) and a plurality of portable data terminals with associated users connected over the network (col. 1 ll. 46-col. 2 ll. 6), said method comprising the steps of:

allocating a uniquely dedicated storage area for each user (col. 6 ll. 1-17, col. 7 ll. 1-15) (i.e. downloading and storing in a PC for indirectly downloading a service);
storing software, which is purchase-requested at a software sales site (i.e. a website) on the network by **one of** the users from a portable data terminal (i.e. mobile

terminal) of said one of the users (col. 6 ll. 18-52, col. 7 ll. 27-col. 8 ll. 23), sent from the software sales site into one of dedicated storage area allocated uniquely to the user of the storage server without sending the software from the site directly to the portable data terminal of the user (col. 6 ll. 1-17, col. 7 ll. 1-15); and

making available the software, stored in the dedicated storage area in said storage server, to the user in response to a request from the user (col. 6 ll. 12-17, col. 7 ll. 11-15, col. 8 ll. 29-38).

Zilliacus teaches of storing, a purchase-requested software at a software sales site by a user of a portable data terminal, into a unique dedicated storage area of a storage server i.e. PC for indirect downloading. However, Zilliacus does not disclose providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said of one of the storage areas.

However, in the same field of communication, O'Brien teaches of users at portable client machines requesting software from a remote site (col. 7 ll. 21-40, col. 18 ll. 46-52) and the requested software is downloaded to the user's dedicated storage area in the storage server (col. 19 ll. 10-29), and making it available to the user from the dedicated storage area upon user request (col. 19 ll. 41-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Zilliacus to download, the software requested by users at portable client machines from a remote site, to the user's dedicated storage area in the storage server, and making it available to the user from the dedicated storage area

upon user request as taught by O'Brien so that "a file on the Internet can be transferred over to an individual's X:Drive at generally data speeds far faster than those available to the end user" (O'Brien, col. 18 ll. 28-30) and "then the user may download the file stored in his X:Drive directory to his local computer at his convenience" (O'Brien, col. 18 ll. 35-36).

Regarding claim 2, Zilliacus teaches the method for providing storage areas, wherein an expiration date until which the user is allowed to use the software stored in said storage server is set, further comprising the step of making the software, which is in the dedicated storage area, unavailable to the user after the expiration date (i.e. wherein the application will delete itself automatically, even if the application is stored on the PC because the application is formatted with a lifetime) (col. 6 ll. 1-67, col. 7 ll. 1-50).

Regarding claim 3, Zilliacus teaches the method for providing storage areas, further comprising the step of charging one of the users for the purchase-requested software when the purchase-request is made, when said one of the users downloads the software from said one of the dedicated storage areas, **or** when said one of the users indicates an intention to continue to use after a trial period passes after the downloading (col. 8 ll. 29-38, col. 8 ll. 45-51).

Regarding claim 4, Zilliacus teaches the method for providing storage areas, further comprising the steps of:

storing software, which is not purchase-requested by the user (e.g. initially downloading an application without a fee), into the dedicated storage area (e.g. PC);

allowing the user to select the software not purchase-requested; and charging the user for the software when the user downloads the selected software or when the user indicates an intention to continue to use after a trial period (e.g. downloading the same application on a different occasion for a reduced fee) (col. 7 ll. 27-col. 8 ll. 37, col. 8 ll. 61-col. 9 ll. 5).

Regarding claim 8, Zilliacus teaches a storage server (i.e. PC) connected to a portable data terminal (Fig. 1 item 110, Fig. 2 item 210) over a network (Figs. 1, 2, col. 5 ll. 38-40 col. 6 ll. 1-17) and a plurality of portable data terminals (i.e. mobile terminals) with associated users connected over the network (col. 1 ll. 46-col. 2 ll. 6), said storage server comprising:

a storage unit having a dedicated storage area, uniquely allocated to an individual user of a portable data terminal (col. 6 ll. 1-17; col. 7 ll. 1-15) (i.e. user of the mobile terminal uses a PC for a downloading service);

means for receiving, which is purchase-requested by one of the users from a portable data terminal (i.e. mobile terminal), sent from a software sales site (i.e. a website) on the network by one of the users (col. 6 ll. 18-52, col. 7 ll. 27-col. 8 ll. 23) for storing the software into the dedicated storage area uniquely allocated to said one of the users (col. 6 ll. 1-17, col. 7 ll. 1-15);

a management table (Fig. 2 item 232 application-license database) storing therein management information (Fig. 2 items 234, 236, 238) about the software stored in the dedicated storage area of the user (col. 5 ll. 38-49, col. 7 ll. 27-col. 8 ll. 3); and

means for referencing said management table in response to access from one of the users and for sending the software (col. 5 ll. 38-49, col. 7 ll. 27-col. 8 ll. 3), which is stored in the dedicated storage area uniquely allocated to said one of the users, to the portable data terminal of said one of the users (col. 6 ll. 12-17, col. 7 ll. 11-15, col. 8 ll. 29-38).

Zilliacus teaches of storing, a purchase-requested software at a software sales site by a user of a portable data terminal, into a unique dedicated storage area of a storage server i.e. PC for indirect downloading. However, Zilliacus does not disclose providing storage areas for a plurality of portable data terminals in a storage server and making available the software to a user while keeping the software in said of one of the storage areas.

However, in the same field of communication, O'Brien teaches of dedicated storage areas in the storage server for users at portable client machines (col. 19 ll. 10-29) requesting software from a remote site (col. 7 ll. 21-40, col. 18 ll. 46-52) and the requested software is downloaded to the, and managing the downloaded software and making it available to the user from the user's uniquely dedicated storage area upon user request (col. 19 ll. 41-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Zilliacus to download, the software requested by users at portable client machines from a remote site, to the user's dedicated storage area in the storage server, and making it available to the user from the dedicated storage area upon user request as taught by O'Brien so that "a file on the Internet can be transferred

over to an individual's X:Drive at generally data speeds far faster than those available to the end user" (O'Brien, col. 18 ll. 28-30) and "then the user may download the file stored in his X:Drive directory to his local computer at his convenience" (O'Brien, col. 18 ll. 35-36).

Regarding claim 9, Zilliacus teaches the storage server, wherein Murthy discloses said storage unit further comprises a common storage area (Figs. 1, 8) in which an application program body is stored as the software for common use by a plurality of users and wherein data associated with the application program body and corresponding to each user is stored separately in the dedicated storage area of the user (col. 5 ll. 17-34, col. 9 ll. 4-25).

Regarding claim 14, Zilliacus teaches the method for providing storage areas, wherein Zilliacus discloses further comprising the steps of:

accepting a purchase request of software from the user at the software sales site;
and

receiving, according to said purchase request, the purchase-requested software or identification information associated therewith at a site of said storage server such that said purchase-requested software or identification information associated therewith is stored into said dedicated storage area allocated to the user (col. 6 ll. 1-17, col. 7 ll. 1-15, col. 8 ll. 23-38).

Regarding claim 15, Zilliacus teaches the method for providing storage areas, wherein Zilliacus discloses said step of storing software into a dedicated storage area

allocated uniquely, is performed after the software is purchase-requested at a software sales site on the network by the user (col. 6 ll. 1-17, col. 7 ll. 1-15, col. 8 ll. 23-38).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent Application Publication No. 2001/0054081	Fujiwara
US Patent Application Publication No. 2005/0210120	Yukie
US Patent No. 7,080,051	Crawford

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEMANT PATEL whose telephone number is (571)272-8620. The examiner can normally be reached on 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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